

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

RONALD J. SMITH,)	
)	
Plaintiff,)	C.A. No. 05-119 (SLR)
)	
v.)	
)	
E. I. DU PONT DE NEMOURS AND)	
COMPANY, a Delaware corporation,)	
)	
Defendant.)	

DEFENDANT E.I. DU PONT DE NEMOURS AND
COMPANY'S MOTION TO DISMISS

Defendant E.I. du Pont de Nemours and Company, by its undersigned counsel, hereby moves to dismiss the Complaint in this action pursuant to Fed. R. Civ. P. 12(b)(6), for failure to state a claim upon which relief may be granted. The grounds for this motion are fully set forth in Defendant's Memorandum of Law in Support of Its Motion to Dismiss, filed contemporaneously herewith.

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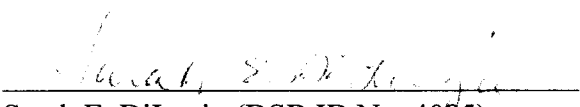
Attorneys for Defendant
E. I. du Pont de Nemours and Company

Dated: April 29, 2005
680068

CERTIFICATE OF SERVICE

I, Sarah E. Diluzio, hereby certify that on April 29, 2005, I electronically filed true and correct copies of the foregoing DEFENDANT E.I. DU PONT DE NEMOURS AND COMPANY'S MOTION TO DISMISS with the Clerk of the Court using CM/ECF which will send notification of such filing, which is available for viewing and downloading from CM/ECF, to the following counsel of record:

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